1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 7 JACOB W. WHITLEY, ) 8 Plaintiff, Case No. C10-460-RAJ-BAT 9 REPORT AND v. 10 RECOMMENDATION MICHAEL ASTRUE, Commissioner of the Social Security Administration, 11 12 Defendant. 13 Plaintiff Jacob W. Whitley seeks judicial review of the denial of his application for Supplemental Security Income disability benefits and Disability Insurance Benefits by the 15 Commissioner of the Social Security Administration. Dkt. 15. The parties stipulate the case 16 should be reversed and remanded for further administrative proceedings pursuant to sentence four 17 of 42 U.S.C. § 405(g). Dkt. 19. 18 The Court has considered the parties' stipulation and the record and recommends the case 19 be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g), for further 20 administrative proceedings as set forth below: 21 On remand, the Administrative Law Judge ("ALJ") should evaluate the statements of Alan J. Shurman, M.D. and Larry S. Green, M.D. The ALJ shall also evaluate plaintiff's mental impairments. The favorable portion of the ALJ's September 14, 2007 decision shall not be REPORT AND RECOMMENDATION – 1

disturbed. The Court also recommends plaintiff's application for costs and reasonable attorney's fees be considered under 28 U.S.C. § 2412 upon proper request to the Court. Because the parties have stipulated that the case be remanded as set forth above, the Court recommends that United States District Judge Richard A. Jones immediately approve this Report and Recommendation and order the case REVERSED and REMANDED for further administrative proceedings. A proposed order accompanies this Report and Recommendation. DATED this 28th day of October, 2010. BRIAN A. TSUCHIDA United States Magistrate Judge